

: 1 :

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
NOTICE OF MOTION NO.1780 OF 1992  
IN  
SUIT NO.2188 OF 1992

Bharat Pipes & Fittings Ltd.,  
& Ors. .. Plaintiff.

Versus

Bennet Coleman & Co. Ltd.,  
& Ors. .. Defendants.

Ms.Datta Gada i/b.D.Mehta & Co. for plaintiff.  
Mr.Paritosh Jaiswal i/b.Kanga & Co. for defendants.

CORAM : R.Y. GANOO, J.  
DATE : 7th July, 2008.

**P.C.:**

1. This motion is taken out so as to condone the delay in filing the written statement as also for taking written statement on record that of the defendants.

2. Heard learned Advocates on both the sides.

3. The affidavit in support of the motion is filed by

one Mr.Vivek Mahagaonkar, Managing Clerk of the Advocate for defendants. The said affidavit states that the written statement was duly engrossed and kept ready for filing. However, the matter was not shown on board and that is how, it could not be filed.

4. The learned Advocate for the defendants, across the Bar conceded that in the normal course, as per the procedure, defendants should have filed the written statement in the office, soon after it was ready. This will go to show that there has been a delay in filing the written statement.

5. The suit is for recovery of damages on account of alleged defamation at the hands of defendants. In my view, the interest of justice would be met if defendants are directed to pay costs for taking the written statement on record. In my view, considering the claim of damages and delay involved, costs quantified at Rs.20,000/-, if imposed would meet the ends of justice.

6. Accordingly, Motion is made absolute in terms of prayer clauses (a) and (b). Defendants to pay costs, quantified at Rs.20,000/- to plaintiff No.2. Defendants to deposit the aforesaid costs in the Court on or before 1.8.2008. Upon deposit of the costs, plaintiff No.2 is permitted to withdraw the same without security or

: 3 :

guarantee. Defendants shall annex the Xerox copy of the receipt for having paid costs alongwith the written statement. Written statement to be filed on or before 7.8.2008.

7. To be shown under the caption "For Directions" on 7.8.2008.

**(R.Y.GANOO, J.)**